

FILE COPY

IN THE
Supreme Court of the United States

OCTOBER TERM, 1943

No. [REDACTED] 28

CLARIDGE APARTMENTS COMPANY, a corporation,
Petitioner,

vs.

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

SUPPLEMENTAL MEMORANDUM FOR PETITIONER

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IN THE
Supreme Court of the United States

OCTOBER TERM, 1943

No. 701

CLARIDGE APARTMENTS COMPANY, a corporation,
Petitioner,

vs.

COMMISSIONER OF INTERNAL REVENUE,
Respondent.

SUPPLEMENTAL MEMORANDUM FOR PETITIONER

May It Please The Court:

This supplemental memorandum is filed because, since the filing of the petition, the Revenue Act of 1943 has been passed over a veto.

Section 121 (c) of that Act repeals the sections of the Chandler Act here involved but such repeal does not affect any tax year beginning prior to January 1, 1943.

Hence, all reorganizations under 77B and Chapter X of the Chandler Act leave this question open since the

depression until 1943 and therefore its importance is patent and it should be settled by this court.

Section 121 was inserted in the 1943 Act by the Senate, a majority of the members of which was composed of the same persons who composed a majority of the Senate adopting the Statute at bar. Their present action indicates they never intended the sections at bar to operate as the court below says they intended.

In his recent speech Senator Barkley said whether sections 121 and 122 of the 1943 Act would be needed would depend on the outcome of cases now in the courts.

ST. L. ed. at pages 817, 818 has a note supporting our contention that no income was realized in the reorganization for the Chandler Act to free from tax.

All Of Which Is Respectfully Submitted,

JOHN E. HUGHES,

Counsel for Petitioner.

